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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,607	12/24/2003	Joseph Franklin Frasca		1606

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JOSEPH FRANKLIN FRASCA
479 EAST PACES FERRY ROAD, NE APT #1121
ATLANTA, GA 30305-3318

EXAMINER

JOHNSON, STEPHEN

ART UNIT PAPER NUMBER

3641

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,607

Applicant(s)

FRASCA, JOSEPH FRANKLIN

Examiner

Stephen M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) c1-c23 is/are pending in the application.
- 4a) Of the above claim(s) c6-c23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) c1-c5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) c1-c23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/24/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election without traverse of species A (figs. 4-9) in the reply filed on 9/15/2005 is acknowledged.

Claims c6-c23 are withdrawn from consideration as being directed to non-elected species. Claims c1-c5 read on the elected species and an action on these claims follows.

2. Claims c1-c5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims c1-c5 should be renumbered as claims 1-5 in conformance with 37 CFR 1.121 (c)(1). In claim c1, lines 54 and 55, the phrases "similar ... length" and "similar ... location" make the claim indefinite as to how closely related to the "length" and "location" something must be to infringe the claims. In claim c1, lines 82-83, what is meant by the phrase "and the armature direction of cavity traverse and parallel to the wall conductors" is not understood. In claim c1, line 85, what structure element is intended to correspond to the term "it"? In claim c1, line 115, what means is intended by the phrase "said means"? In claim c1, lines 210 and 211, the phrases "forward wall conductor" and "barrel bus" should be claimed as [said forward wall conductor] and [said barrel bus] if the previously claimed forward wall conductor and barrel bus are intended. In claim c1, lines 210-211, what structural element is intended to correspond to the claimed "aft wall conductor"?

In claim c2, line 1, the term "as in claim 1" is indefinite because no claim 1 has been previously recited. In claim c2, line 1, the term "Combinations" should be claimed as [Electromagnetic propulsion devices as claimed in claim 1 wherein ...]. Claims c3, c4, and c5 are indefinite for like reasons.

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In claim c2, line 5, the phrase “the armature shunt proximal rail” lacks an antecedent or lacks complete agreement with its antecedent. In claim c2, lines 6-7, the phrases “similar length” and “similar location” make the claim indefinite as to how closely related to the “length” and “location” something must be to infringe the claims. In claim c2, line 8, the phrase use of the phrase “said power rail” makes the claim indefinite as to which of the previously claimed “power rails” is intended. In claim c2, line 9, use of the term “its” makes the claim indefinite as to what element is intended to correspond this term. In claim c2, line 10, use of the phrase “the aft current shunt” lacks complete agreement with its antecedent. In claim c2, line 13, use of the phrase “said shunt surface” makes the claim indefinite as to which of the previously claimed shunt surfaces is intended. In claim c2, lines 14 and 19, the phrases “said propulsion bus” and “said propulsion bus surface” lack complete agreement with their antecedents.

In claim c4, line 15, what elements are intended by the phrase “its various elements” is not understood. In claim c4, lines 15 and 18, what the term “its” intended to correspond to is indefinite. In claim c4, lines 19-22, what is intended by the phrase “each incremental volume ... of the wall assembly” is not understood. In claim c4, line 25, how are the terms “wall conductors” and “wall conductor assemblies” intended to correspond to the previously claimed wall conductors and wall assembly conductors?

3. Claims c1-c5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aivaliotis et al., Leung et al., Weh et al., Bauer, Bowles et al., and JP 2-75899 disclose state of the art electromagnetic propulsion devices.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
November 19, 2005